

5LAW OFFICES
KILYK & BOWERSOX, P.L.L.C.
Intellectual Property Law

RECEIVED
CENTRAL FAX CENTER
APR 09 2007

From the Desk of
LUKE A. KILYK*

400 Holiday Court
Suite 102
WARRENTON, VA 20186

FAIRFAX OFFICE
3803-E Chain Bridge Road
Fairfax, Virginia 22030

Email: lkilyk@kbpatentlaw.com
Website: <http://www.kbpatentlaw.com>

TEL.: (540) 428-1701
FAC.: (540) 428-1720
(540) 428-1721

*Admitted only in PA and DC


PLEASE DIRECT CORRESPONDENCE TO OUR WARRENTON OFFICE

FACSIMILE TRANSMISSION COVER SHEET

DATE: April 9, 2007

TO: Group Art Unit: 1645
Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RE: U.S. Patent Application No. 10/577,791
Entitled: DOSE-DEPENDENT PROMOTER ORIGINATING IN HUMANS
Our Ref.: 3190-094

FROM: Luke A. Kilyk, Esq. 

FAC. TEL. NO.: 1-571-273-8300

NUMBER OF PAGES (INCLUDING THIS COVER SHEET): 13

Items Attached: Second Supplemental Information Disclosure Statement -- 3 pages
Form PTO/SB/08 -- 2 pages
Cited Documents -- 7 pages

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 1-571-273-8300 on April 9, 2007.

Kim Blum
Name (Print)


Signature

THE INFORMATION CONTAINED IN THIS MESSAGE IS CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED. This message may also be an attorney/client communication which is privileged and confidential. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by calling us collect and return the original message to us at the above address by mail. Thank you.

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 1-571-273-8300 on April 9, 2007.

Kim Blum
Name (Print)


Signature

RECEIVED
CENTRAL FAX CENTER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE **APR 09 2007**

In re Application of:	YOKOTA et al.)	Examiner:	Unassigned
)		
Application Number:	10/577,791)	Group Art Unit:	1645
)		
Filed:	April 28, 2006)	Confirmation No.:	9745
)		
Docket No.:	3190-094)	Customer No.:	33432

For: DOSE-DEPENDENT PROMOTER ORIGINATING IN HUMANS

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT PURSUANT TO 37 CFR 1.97(c)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

April 9, 2007

Sir:

The attention of the Patent and Trademark Office is hereby directed to the documents listed on the attached Form PTO-SB-08. Pursuant to the current United States Patent and Trademark Office rules, no copies of U.S. Patents/Patent Application Publications are provided.

This Second Supplemental Information Disclosure Statement is being submitted after expiration of the three-month period following filing of the above-captioned application but before any Final Office Action or Notice of Allowance.

The undersigned hereby certifies that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.

Second Supplemental Information Disclosure Statement
U.S. Patent Application No. 10/577,791

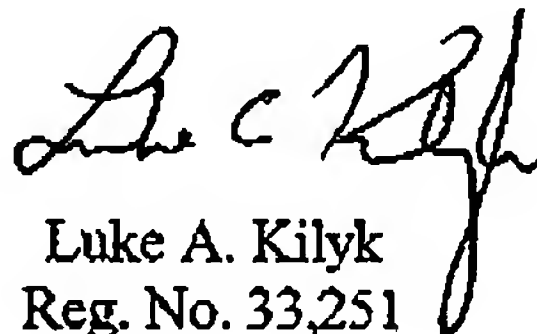
The above information is presented so that the Patent and Trademark Office can, in the first instance, determine any materiality thereof to the claimed invention. *See* 37 CFR 1.104(a) and 1.106(b) concerning the PTO duty to consider and use any such information. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the documents cited in the attached Form PTO-SB-08 be made of record therein and appear on the first page of any patent to issue therefrom.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in this application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

It is believed that no fee is required to make this a complete and timely filing. However, if it is determined that a petition or fee is required, the Commissioner is hereby authorized to charge any fee associated with this statement to our Deposit Account No. 50-0925.

Respectfully submitted,


Luke A. Kilyk
Reg. No. 33,251

Second Supplemental Information Disclosure Statement
U.S. Patent Application No. 10/577,791

Atty. Docket No.: 3190-094
KILYK & BOWERSOX, P.L.L.C.
400 Holiday Court, Suite 102
Warrenton, VA 20186
Tel: (540) 428-1701
Fax: (540) 428-1720
Enclosures: PTO/SB/08 w/4 Documents

RECEIVED
CENTRAL FAX CENTER

APR 09 2007

PTO/SB/08a (09-08)

Approved for use through 03/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for form 1449/PTO				Complete If Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	10/577,791
				Filing Date	April 28, 2006
				First Named Inventor	YOKOTA et al.
				Art Unit	1645
				Examiner Name	Unassigned
Sheet	1	of	2	Attorney Docket Number	3190-094

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
		US-6,783,961 B1	08-31-2004	Edwards et al.	
		US-7,115,416 B1	10-03-2006	Edwards et al.	
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
		JP2001289182	10-02-2001	Genset S.A.	English Abstract attached; See U.S. Patent Nos. 6,783,961 B1 and 7,115,416 B1 for U.S. equivalents.	

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/08b (09-06)

Approved for use through 03/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Complete if Known			
		Application Number	10/577,791		
		Filing Date	April 28, 2006		
		First Named Inventor	YOKOTA et al.		
		Art Unit	1645		
		Examiner Name	Unassigned		
Sheet	2	of	2	Attorney Docket Number	3190-094

RECEIVED
CENTRAL FAX CENTER
APR 9 2007

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Supplementary Partial European Search Report for corresponding European Patent Application No. EP 04 79 3208 dated February 23, 2007	
		Database EMBL, "5' EST and human protein encoded thereby," XP002419364, retrieved from EBI Accession No. EM_PRO:BD204430. Abstract, August 13, 2003 (2 pages).	
		Database EMBL, "Sequence tag and encoded human protein," XP002419365, retrieved from EBI Accession No. EM_PRO:BD034334, Abstract, September 4, 2002 (1 page).	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.